

INDIA'S MARCH TO FREEDOM

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PREFACE

India's independence is one of the most marvellous events in the history of the modern world. It is unique not only in the processes and methods through which it has been consummated chiefly under the spiritual leadership of Mahatma Gandhi, but also in its ideals of all round national purification, including uplift of the despised and the downtrodden, and world fellowship preached and practised by her poets, philosophers, and statesmen throughout the creative years of the 19th century and in more recent days. The revolutionary changes in the chess board of world politics have also profoundly influenced the successive phases of our struggle for freedom.

In this booklet I have endeavoured, as an humble student of history, to study these phases on the basis of constitutional documents relevant correspondence and speeches, writings in contemporary journals and newspapers and some other published works. I crave the indulgence of the learned readers for any slip in my account and shall most thankfully accept their constructive suggestions for its future improvement. I shall consider my labour amply rewarded if this humble homage to my motherland can inspire at least a few to know her history as comprehensively and accurately as possible.

Patna College
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May 12 1949

KALINKAR DATTA

Homage to my motherland

CHAPTER I

THE WAR CRISIS AND THE CONSTITUTIONAL DEADLOCK

History is undoubtedly moving in our times with the "flickering quickness of a cinematograph film". Revolutionary changes in all spheres have transformed the destiny of nations and have caused a revaluation of the values of human life in India as in other parts of the world. After various struggles and sacrifices, trials and tribulations, during the preceding decade, in continuation of the achievements of the past, India has emerged as a self governing nation, with enormous hopes and possibilities and also tremendous responsibilities. The process through which she has attained this status is marked by some significant constitutional proposals and changes.

The formation of Congress Ministries in some provinces (Bombay, Madras, The United Provinces, Bihar, Central Provinces Orissa and the North West Frontier Province) and coalition Ministries in some others (Bengal, Assam, Sind and the Punjab) did not ensure the smooth working of the Indian constitution as fixed by the Government of India Act 1935. The Muslim League did not take part in the working of the administration in what came to be described as Congress Provinces. Mr Jinnah loudly complained that Muslims were subjected to unfair treatment, injustice and 'atrocities' in these provinces, but his charges were never substantiated¹. There is no doubt the Provincial Governments had "to face mountains of work", and were confronted with various handicaps which had to be surmounted before they could proceed to useful constructive work for education and social reforms.

¹ *India Divided*, pp 145-165

But these Ministries were not destined to function long. Though the constitutional crisis which arose early in 1938 in the United Provinces and Bihar (owing to the refusal of the Governors to agree to the release of political prisoners), was averted, yet the various issues which were raised in Indian politics after England's declaration of war on Nazi Germany on 3rd September, 1939, resulted in their resignation in November of that year. Section 93 of the Government of India Act 1935 was immediately applied in these provinces and the Governors, by suspending the Legislatures, began to exercise all the powers of the Provincial Governments and Legislatures.

On the same day that England declared war against Germany, Lord Linlithgow, the Viceroy and Governor-General of India, proclaimed that India was at war with Germany and that she was called upon to "play a part worthy of her place among the great nations and the historic civilisations of the world". Meeting a few days later (8th September to 15th September) at Wardha, the Working Committee of the Indian National Congress entirely disapproved of the ideology and practice of Fascism and Nazism and their "glorification of war and violence and the suppression of the human spirit", but registered their protest against India's being drawn into belligerency "without the consent of the Indian people." In a statement issued by the Committee on the 14th September it invited the British Government "to declare in unequivocal terms what their war aims are in regard to democracy and imperialism and the new order that is envisaged, in particular, how these aims are going to apply to India and to be given effect to in the present. Do they include the elimination of Imperialism and the treatment of India as a free nation whose policy will be guided in accordance with the wishes of her people?"¹ On the 10th October, the Indian National Congress besides repeating the invitation to the British

¹ *The Indian Annual Register*, 1939, Vol. II, p. 69 & p. 235.

Government 'to state their war aims and peace aims' also required that 'India be declared an independent nation and present application should be given to this status to the largest possible extent'¹ The attitude of the Muslim League was that it would extend co operation to the Allies on certain conditions, such as recognition of the League as the only organisation that can speak on behalf of Muslim India² and an assurance that no declaration regarding the question of constitutional advance for India should be made without the consent and approval of the All India Muslim League nor any constitution be framed and finally adopted by His Majesty's Government without such consent'

In order to unravel this tangle Lord Linlithgow after sounding more than fifty prominent Indian leaders made statements on 17th October and 5th November

As regards war aims he repeated the British Prime Minister's announcement that their Government were 'seeking no material advantage for themselves and were 'not aiming only at victory but looking beyond it to laying the foundation of a better international system which will mean that war is not to be the inevitable lot of each succeeding generation'³ As regards India's constitutional position he restated the old pledge as to the grant of Dominion Status and affirmed that he had been entrusted by His Majesty's Government to work in such a way "that the partnership between India and the United Kingdom within our Empire may be furthered to the end that India may attain its due place among our Dominions"⁴ To meet the immediate situation he suggested the expansion of the Governor General's Executive Council and the formation of a War Advisory body 'representative of all major political parties in British India and of the Indian States'.

¹ Ibid p 231

² Ibid p 70

³ *Indian Annual Register* 1939 Vol II, p 386

⁴ Ibid p 387 He observed in January 1940 that the objective was 'full Dominion Status Dominion Status too of the Westminster variety'

Lord Linlithgow's suggestions were considered "entirely unsatisfactory" by the Indian National Congress and rejected by that body. The Muslim League demanded removal of certain doubts and "complete clarification of the Declaration" as conditions for co-operation. So the constitutional deadlock continued. The rapid successes of Germany in the summer of 1940 and her alliance with Italy in June evoked some perturbations in India, to avert which appeals were issued by Mahatma Gandhi, the Governor of Bengal and several other persons.¹ In this extremity of the Allies, Mahatma Gandhi observed: "We do not seek our independence out of Britain's ruin". "England's difficulty is not India's opportunity", said Pandit Jawaharlal Nehru. Though the Congress did not change its fundamental policy, yet most of its leaders could not then "go to the full length" with Mahatma Gandhi in support of his ideal of complete non-violence, taking into consideration the problem of the "defence of the country against possible external aggression and internal disorder" and also the "present imperfections and failings . . . of the human elements they have to deal with and the possible dangers in a period of transition and dynamic change".² The Congress, however, thought that he should be "left free to pursue his great ideal in his own way", and be absolved of all responsibility for its present programme and activity regarding national defence. In the first place the Congress now decided to recruit and train, through its own committees, "peaceful volunteers for national service" of defence, and for the maintenance of a "sense of public security in their respective areas".³ Secondly, it came forward with a suggestion for an immediate settlement with the British Government and co-operation in the war effort by renewing the demand for unequivocal declaration "of India's independence" and pro-

¹ Ibid, p. 375.

² Ibid, Vol. II, p. 175.

³ Ibid.

⁴ Ibid.

posing that a provisional National Government should be constituted at the centre which though formed as a transitory measure, should be such as to command the confidence of all the elected elements in the Central Legislature and secure the closest co-operation of the responsible Governments in the Provinces.¹

In the meanwhile, the War emergency had caused a change in the government of Great Britain. In May, 1940, Mr Churchill succeeded Mr Chamberlain as Prime Minister and Mr L. S. Amery replaced Lord Zetland as Secretary of State for India. Whatever may have been their views about the Indian problem there could be no doubt in any mind that to organise a country wide war effort was a pressing need of the moment. On the 8th August there was published a statement (afterwards described as the 'August Offer') made by the Viceroy on behalf of the British Government. It reaffirmed the promise of Dominion Status and said that the framing of the new constitutional scheme "should be primarily the responsibility of Indians themselves and should originate from Indian conceptions of the social, economic and political structure of Indian life". There were, however, two provisos. First reaffirmation of the point regarding the consideration of minority opinion in changing the constitution. 'It goes without saying', the statement said that they (the British Government) could not contemplate the transfer of their present responsibilities for the peace and welfare of India to any system of government whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a government. Suggesting that final solution of the constitutional issues could not be effected at "a moment when the Commonwealth is engaged in a struggle for existence", the statement held out the prospect of a representative Constituent Assembly after the war was over. In

¹ Ibid p. 176

the meanwhile^{*} the British Government, it was observed, would welcome attempts of "representative Indians themselves to reach a basis of friendly agreement" and they trusted that immediate effect would be given to the enlargement of the Central Executive Council and the establishment of a War Advisory Council to promote a united war effort.

The "August Offer" was wholly rejected by the Indian National Congress. "It widens the gulf", observed Mahatma Gandhi, "between India as represented by the Congress and England". The idea of Dominion Status for India was, said Pandit Nehru, "as dead as a doornail". On 22nd August, the Congress Working Committee considered that in the Viceroy's declaration "the issue of the minorities has been made into an insuperable barrier to India's progress."¹

Indeed, communal separatism had become by now a perplexing factor in Indian politics. The Indian National Congress naturally claimed to represent the entire Indian Nation and having a national outlook was opposed to communal organisations of all kinds. But various factors contributed to fan inter-communal bitterness, and to widen the "angle of differences" between the Congress and the Muslim League. The Muslim League under the undisputed leadership of Mr. M. A. Jinnah claimed to be recognised as the "one authoritative and representative organisation of Mussalmans in India", though the Congress had Muslim members within its fold and several Muslim organizations in India, like the Jamiat-ul-Ulema and the Ahrar, and the Momins, were not supporters of the League but continued to co-operate with the Congress. Mr. Jinnah declared that democracy based on majority rule would not be workable in India and he asked the League members to observe a "Day of Deliverance" as a mark of relief after the resignation of the Congress Governments in the provinces. The Muslim League gradually strengthened its position and its members came to occupy in some provinces ministerial

¹ *Indian Annual Register*, 1940, Vol. II, p. 197.

offices vacated by the Congress members. At its Lahore session held in March 1940 the League enunciated the theory that the Muslims are not a minority but are a nation and they must have their homelands, their territory and their State (Pakistan) that is the areas in which the Muslims are numerically in the majority as in the North Western and Eastern Zones of India should be grouped to constitute independent States in which the constituent units shall be autonomous and sovereign. In his correspondence with Mr Jinnah during the months of November and December 1940 Lord Linlithgow assured him that His Majesty's Government are not under any *misapprehension as to the importance of the contentment of the Muslim community to the stability and success of any constitutional development in India* and that he need therefore have no fear that the weight which his community's position in India necessarily gives their views will be underrated. Some thought that this gave Mr Jinnah a right to veto any constitution that might be devised. The Muslim League considered partition of India to be the only solution and held that their co-operation in the prosecution of the war would be regulated by the application of the two nations doctrine on the fifty-fifty principle.

The Indian National Congress did not deviate in the least from its ideal of a united India. To Mahatma Gandhi the communal question did not appear to be insoluble. What others described as the unbridgeable gulf between the Congress and the Muslim League was in his opinion a domestic problem which would disappear if the British withdrew from India. In his presidential address at the Rungarh session of the Congress (19th and 20th March 1940) Maulana Abul Kalam Azad emphasised the heritage of common nationality between Hindus and Muslims in India and very significantly observed: 'This thousand years of our joint life has moulded us into a common nationality. This cannot be done artificially. Nature does her fashion

ing through her hidden processes in the course of centuries. The cast has now been moulded and destiny has set her seal upon it. Whether we like it or not, we have now become an Indian nation, united and indivisible". Proclaiming his watchword of "India first" in the course of a luncheon speech in London on the 12th December, 1940, Amery observed: "By India I mean India as a whole, India as nature and history have shaped her, India with her infinite diversity and underlying unity, India as she is to-day and as we wish her to be in the years to come".¹ He maintained in a subsequent speech that the minority problem could not be solved by partition. "It is a counsel of despair" he said, "and I believe of wholly unnecessary despair". But this attitude was censured by the Muslim League which had accepted Pakistan as its definite political objective. An issue of *Dawn*, its weekly organ, dated 8th February, 1942, contained the manifesto:—"Pakistan is our deliverance, defence and destiny. . . Pakistan is our only demand. . . and by God we will have it". Indeed, the Muslim League's influence on the Muslims had increased very much by then. When the provincial elections took place in 1937, out of a total of 482 Muslim seats in the eleven provinces of British India, the Muslim League captured 110. In Bengal it captured 37 seats out of a total of 119, but in the Punjab none. In the course of five years, from the beginning of 1938 to September, 1942, in 56 Muslim by-elections that were contested 46 seats were captured by the Muslim League, 3 by the Congress and 7 by other parties. After the Viceroy had issued a communique on the 21st July, 1941, amounting to the reorganisation² of his Executive Council, "for administrative convenience" as he said, and also announcing the establishment of a National Defence Council with a numerical strength of 30 members including, as the Viceroy explained, "representatives of Indian States

¹ *The Indian Annual Register*, 1940, Vol II, p. 395.

² Out of thirteen members of the new council including the Viceroy and the Commander-in-Chief, eight were Indian.

as well as of Provinces and other elements in the national life of British India in its relation to the war effort",¹ Mr Jinnah strongly condemned it and asked the members of the Muslim League not to serve on either of these Councils. Under orders of the League, Sir Sikandar Hayat Khan, the Punjab Premier, Mr A K Fazlul Huq, the Bengal Premier and Sir Maulavi Saiyid Muhammad Saad-ullah the Assam Premier, resigned their appointments on the Defence Council. Sir Sultan Ahmad, the new Law Member of the Executive Council, refused to resign his post for which he was expelled from the League for five years. Thus the constitutional deadlock was stiffened. The efforts made by prominent Indians of the Liberal party, including some Muslims, particularly through the organization of a non party Conference which met under the presidentship of Sir Tej Bahadur Sapru first at Bombay on 14th March, 1941, and again at Poona on 26th and 27th July, 1941, to secure communal agreement and to overcome the deadlock by temporary reconstruction of the centre during the war period ended in smoke. One factor served to intensify distrust of the Indians in various circles towards sincerity of British promises to grant independence to India. The third clause of the Atlantic Charter contained the following significant principles to which the British and American Governments became committed "They respect the right of all peoples to choose the form of Government under which they will live, and they wish to see sovereign rights and self government restored to those who have been forcibly deprived of them." But to the great disappointment of the Indians, Mr Churchill declared in the House of Commons on 9th September, 1941, that the Atlantic Charter was not applicable to India. Meanwhile the international situation had grown extremely grave. Japan's spectacular success in the Pacific War was indeed a terrible menace for British as well as Indian interests. On 7th December,

¹ *The Indian Annual Register*, 1941, Vol II pp 300-302

1941, Japan made a sudden air-attack on the American naval base at Pearl Harbour and crippled the United States Pacific fleet. Three days later, the *Prince of Wales*, one of the newest British battleship, and the *Repulse*, an older battle-cruiser, were sunk by Japanese bombers off the coast of Malaya. Landing in Indo-China, the Japanese army proceeded through Siam into Malaya. On 15th February, 1942, Singapore surrendered, more than 75,000 British and Indian troops falling into the hands of the victorious Japanese. It was a great disaster for British arms. Burma was next invaded by the Japanese who brought Rangoon under their control on 7th March, 1942, and Mandalay was occupied by them on 29th April.

India was now in dire peril. Panic-struck refugees swarmed over India's eastern frontier from Burma. The devastating results of Japanese victories proved how hollow was Japan's cry of "Asia for the Asiatics"; how insincere her claim to be the leader of a "Co-prosperity sphere in Greater East Asia". The spirituality mobilized China of Generalissimo Chiang Kai Shek had maintained a heroic struggle against Japanese aggression for several years since July, 1937. But Japan's successes in the Pacific, Indo-China and Burma placed China too in an extremely critical situation. Generalissimo Chiang Kai Shek and Madame Chiang Kai Shek visited India in the first week of February, 1942, with the object, of a "personal exchange of views" with the personnel of the Government of India and with "prominent men" in India to "secure more effective united efforts against aggression". The presence of the Chinese leaders at that "critical stage, and their manifest sympathy for India's freedom helped to bring India out of her national shell and increased her awareness of the international issues at stake".

The Indian national leaders, greatly troubled at the rapid approach of the war to India, thought that India's participation in the war should be preceded by recognition of India's freedom. In this emergency the veteran Sri Raja-

gopalachari, ex-Premier of Madras (now Governor General of India), made an earnest attempt to soften communal discord and to end constitutional deadlock. He insisted on the necessity of organizing a united war front against Japanese menace in the best possible manner by transference of "full responsibility" to "a council of national leaders". The 'only strategy that will outwit Japan' he wrote, "is the acknowledgement of India's indefeasible right to freedom"

In the midst of this excitement came another proposal of the British Government in relation to the Indian constitutional problem. On 11th March, 1942, Mr Churchill announced that the War Cabinet had made a unanimous decision as to Indian policy with a view to rallying "all the forces of Indian life to guard their land from the menace of the invader", and that Sir Stafford Cripps, who had lately joined the Government as Lord Privy Seal and become a member of the War Cabinet and Leader of the House of Commons, would soon proceed to India to have consultations with the representatives of all parties concerned. Sir Stafford Cripps arrived at Delhi on 22nd March with the proposals embodied in a Draft Declaration, which may be summarized as follows —

(1) "For the earliest realization of self government in India' the British Government proposes to take steps for the creation of a new Indian Union which shall constitute a Dominion associated with the United Kingdom and the other Dominions by a common allegiance to the Crown but equal to them in every respect, in no way subordinate in any respect of its domestic or external affairs".

(2) "Immediately upon the cessation of hostilities", a constitution making body shall be set up with representatives both of British India and the Indian States

(3) The British Government "undertake to accept and implement forthwith' the constitution framed by this body on two conditions —

(a) Any Province which is not "prepared to accept the new constitution" shall have the right to frame by a similar process a "new constitution, giving them the same full status as the Indian Union". An Indian State was also to be entitled to choose whether to adhere to the constitution or not. In either case "it will be necessary to negotiate a revision of its treaty arrangements".

(b) "The signing of a Treaty which shall be negotiated between His Majesty's Government and the constitution-making body, and will cover "all matters arising out of the complete transfer of responsibility from British to Indian hands".

(4) During the War period and until "the new constitution can be framed" the British Government shall "bear the responsibility for and retain the control and direction of the Defence of India as part of their world war effort, but the task of organizing to the full the military, moral and material resources of India must be the responsibility of the Government of India with the peoples of India". For the latter object the British Government "desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations".

While Sir Stafford Cripps was engaged in negotiations with the representatives of the various Indian parties and States the War had taken such a turn by this time as to place India in imminent peril. The news of the Japanese occupation of the Andaman islands was heard on 25th March. The evacuation of Taungu by the British came to be known on 1st April, of Prome on 3rd April. Colombo had an air-raïd on 5th April. Next day the Japanese dropped bombs at Vizagapatam and Cocanada, and on 9th April they raided Trincomalee. To add to all this was the presence of Japanese warships in the Bay of Bengal, to

whose attack the whole of the eastern coast line of India now lay open

All were anxious to organize an effective resistance to the rapid approach of the enemy. The Cripps mission nevertheless failed to remove the constitutional deadlock in India. Its proposals were rejected by "every single party or group" in India including some of her most moderate politicians. Mahatma Gandhi is reported to have described the pledge about future settlement of the constitution as 'a post dated cheque on a bank that was obviously failing'. The Congress Working Committee expressed the opinion that "though future independence may be implicit in the proposals the accompanying provisions and restrictions are such that real freedom may well become an illusion". The principle of non accession of the Indian provinces and the States was justly considered to be a severe blow to the conception of Indian unity". It opened out, remarked Pandit Nehru significantly, 'a vista of an indefinite number of partitions both of provinces and States. The Congress was also opposed to another principle according to which 'ninety millions of people in the Indian States were to have no voice in framing the constitution, as it would mean "a negation of democracy and self-determination"'. The proposals relating to the immediate present were also considered to have some serious limitations. The Congress wanted an Indian Defence Member in the National Government though the Commander in Chief would still continue to exercise complete authority over war operations and the armed forces. Its leaders explained to Sir Stafford that 'it was not their intention to do anything to upset present arrangements but what they wanted was, firstly, to make the Indian people feel that the Army was theirs. They wanted to give the national background, the psychological appeal necessary for a popular war'.¹ The Congress ex-

¹ Statement of Pandit Nehru at Press Conference, New Delhi, 12th April, 1942.

pressed its anxiety for a National Government which would function with full powers as a Cabinet with the Viceroy acting as constitutional head. But the only change offered was the transformation of the existing Council of the Viceroy by the appointment of additional Indians, which would mean, as Pandit Nehru expressed it, that a few of them would "become his liveried camp-followers . . . it was inconceivable and impossible for us to accept this position at any time and more specially at that time".¹ The Congress President, Maulana Abul Kalam Azad, urged the "unanimous demand of the Indian people" for "a free National Government" to serve "the cause of India as well as the larger causes for which millions are suffering and dying to-day". Sir Stafford pleaded that the minorities, particularly the Muslims, would not acquiesce in the Congress's suggestion and that it would involve "constitutional changes of a most complicated character and on a very large scale", which would not be effected in war-time. Sir Stafford's negotiations with the Indian leaders therefore broke down abruptly and on 12th April he left Delhi for London.

The failure of the Cripps mission naturally produced feeling of frustration in Indian minds, which were already alarmed and excited at the menace of approaching Japanese invasion. The Congress at first advised the people not "to interfere in any way with the operations of the British or allied armed forces"² but to adopt "the completest form of non-co-operation with the enemy" so that a "national spirit of resistance might be built up". At this critical juncture when "catastrophe and disaster advanced with rapid strides towards India", the Congress leaders felt that for organizing what would be "a people's war" against the Japanese the complete transfer of power to Indian hands was necessary. On 14th July, 1942, the Congress Working Committee, which had met at Wardha in the presence of

¹ Nehru, *Discovery of India*, pp. 388-389.

² *Ibid.*, p. 409.

Mahatma Gandhi published a resolution asking the British Government to withdraw and to transfer authority in India to a provisional Government representative of all important sections of the people of India which will later evolve a scheme by which a Constituent Assembly can be convened in order to prepare a Constitution for the Government of India acceptable to all sections of the people. Representatives of free India and representatives of Great Britain will confer together for the adjustment of future relations and for the co operation of the two countries as allies in the common task of meeting aggression. Should however this appeal (to the British) fail, ran the resolution, the Congress cannot view without the gravest apprehension the continuation of the present state of affairs involving a progressive deterioration of the situation and the weakening of India's will and power to resist aggression. The Congress will then be reluctantly compelled to utilize all the non violent strength it might have gathered since 1920 when it adopted non violence as part of its policy for the vindication of political rights and liberty. Such a widespread struggle would inevitably be under the leadership of Mahatma Gandhi. Meeting at Bombay on 8th August 1912 the All India Congress Committee approved of and endorsed the Quit India resolution and repeated with all emphasis the demand for the withdrawal of the British power from India on the idea that only the glow of freedom now can release that energy and enthusiasm of millions which will immediately transform the nature of the war for the sake of India and for the success of the cause of the United Nations. The Congress sought to make it clear to all concerned that by embarking on a mass struggle it has no intention of gaining power for the Congress. The power when it comes will belong to the whole people of India.

Early on 9th August the British Government arrested Mahatma Gandhi the members of the Congress Working

Committee and some other leaders of the Congress and banned the All-India Congress Committee as well as the Provincial Congress Committees (except in the North West Frontier Province). This was immediately followed by countrywide mass upheavals and disorders which assumed the gravest forms in Bihar and the eastern districts of the United Provinces. Though Government suppressed the August 1942 movement by severe measures, yet the political situation in the country was still nowhere near a settlement. The Congress leaders remained in prison. The Muslim League insisted on partition. League ministries were formed in Bengal, Sind and the North-West Frontier Province.¹ In his unique way Mahatma Gandhi expressed a moral protest against the recent action of the Government, which he considered to be unjust, by undergoing an ordeal of fast from 10th February till 2nd March, 1943, at the age of seventy-three. On Government's refusal to listen to the widespread demand for his unconditional release, Mr. Aney, Mr. N. R. Sarker and Sir Homi Mody, three members of the Governor-General's Executive Council (then consisting of 15 members besides the Viceroy—11 Indian and 4 British), resigned.

¹ A Congress Ministry with Dr. Khan Saheb as Premier again took office in North-West Frontier Province in 1945.

CHAPTER II

THE WAVELL PLANS

Lord Wavell, successor of Lord Linlithgow as Governor-General of India, reached India in mid October, 1943, when affairs in this country were seriously complicated and in all respects depressing. Though the war in Europe had taken a favourable turn for the United Nations yet the eastern horizon was still full of clouds. Sri Rajagopalachari proposed a solution for constitutional settlement and communal accord through his doctrine of "back to Cripps". He wrote in a pamphlet¹ that there 'should be no hesitation over accepting the Cripps plan for making the future constitution as the only practical plan for reconciling all the forces in play in India'. He pleaded for concessions to the principle of self determination for minorities and States "in a plan for a free and independent constitution" and 'for accommodation to the Muslim League up to the farthest possible limit', while pointing out that 'non-co-operation in the cause of national freedom' would be 'at best a poor and ugly sanction for the Muslim League'. The Indian Liberals while demanding release of the Congress Leaders desired the formation of national and composite Government in the Provinces and at the Centre.

Lord Wavell's pleading for the co-operation of all in the existing government during war time did not meet with a favourable response. While addressing the Central Legislature on the 17th February, 1944, he stressed the fundamental unity of India in the following words "You cannot alter geography. From the point of view of defence, of relations with the outside and of many internal and external problems, India is a national unit". Whatever may have been the Viceroy's intention in making this abstract state-

¹ *The Way Out* (First published on 30th November, 1943, by OUP)

ment, in its practical effect it did not act as a healing balm, but rather stiffened the demand of the Muslim League for "Pakistan". At a session of the Muslim League, held at the end of 1943, Mr. Jinnah argued that transfer of power should be preceded by partition of India. With the Congress demand of "Quit India" was matched the League's new slogan, "Divide and Quit".

But Mahatma Gandhi was unceasingly eager for communal amity which he regarded as "life mission". Even before his release on 6th May, 1944, he had written to Mr. Jinnah in 1943: "Why should not both you and I approach the great question of communal unity as men determined on finding a common solution"? He met Mr. Jinnah at his house in Bombay on 9th September, 1944. The basis for terms of settlement suggested by Mahatma Gandhi to Mr. Jinnah was the Rajagopalachari formula (March, 1944). Its provisions were: (1) "Subject to the terms set out below as regards the constitution of Free India, the Muslim League endorses the Indian demand for independence and will co-operate with the Congress in the formation of a provisional Interim Government for the transitional period". (2) "After the termination of the war a commission shall be appointed for demarcating contiguous districts in the North-West and East of India wherein the Muslim population is in absolute majority. In the areas thus demarcated a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan". (3) "In the event of separation, mutual agreement shall be entered into for safeguarding defence, and commerce and communications and for other essential purposes". (4) "Any transfer of population shall only be on an absolutely voluntary basis". (5) "These terms shall be binding only in case of transfer by Britain of full power and responsibility of the governance of India". But Mr. Jinnah rejected these propositions and the negotiations between the

two leaders proved fruitless. Mr Jinnah insisted on his two nation theory though Mahatma Gandhi declared that he was unable to accept the proposition that the Muslims of India are a nation distinct from the rest of the inhabitants of India. The former further argued that there "cannot be defence and similar matters of common concern, when it is accepted that Pakistan and Hindustan will be two separate independent sovereign states. Pakistan observed Mr Jinnah in March, 1945, 'is our irrevocable and unalterable national demand. We shall never accept any constitution on the basis of a united India. The Non party Conference Conciliation Committee, working under the leadership of Sir Tej Bahadur Sapru, recommended by the end of March, 1945, the immediate formation of a Central Executive Council consisting of Indians excepting the Governor General and the Commander in Chief and the restoration of responsible Government in the Section 93 Provinces" the Ministries there being coalitions of major parties as far as possible. But Mr Jinnah neither accepted these recommendations nor agreed to the scheme formulated by Mr Bhulabhai Desai, then Congress leader in the Central Assembly, in consultation with Nawabzada Liaquat Ali Khan, then Deputy Leader of the League. This scheme proposed the formation of an Indianized Council with its seats distributed 40 per cent to the Congress 40 per cent to the League and 20 per cent to the other minority parties.

Another significant offer from the side of the British Government soon followed. On his visit to London towards the end of March, 1945, Lord Wavell had discussions with the Government there, not with a view to far reaching constitutional changes or a final settlement in India (which must wait until Japan had been thoroughly defeated) but to break the political deadlock here by securing the consent of the leaders of the principal Indian parties to some interim arrangement for the "successful conclusion of the war against Japan as well as in the reconstruction in India

which must follow the final victory". The British Government's proposals to the effect, containing the following points, were published on the 14th June: (1) "The Central Executive Council should be so reconstituted that all its members, except the Governor-General and the Commander-in Chief, should be "leaders of Indian political life", there being "a balanced representation of the main communities, including equal proportions of Moslems and Caste Hindus". (2) "In order to pursue this object, the Viceroy will call into conference a number of leading Indian politicians who are the leaders of the most important parties or who have had recent experience as Prime Ministers of Provinces, together with a few others of special experience and authority". (3) "External affairs (other than those of tribal and frontier matters which fall to be dealt with as part of the defence of India) should be placed in the charge of an Indian Member of the Viceroy's Executive Council so far as British India is concerned, and fully accredited representatives shall be appointed for the representation of India abroad". (4) "Co-operation at the centre would make establishment of responsible government possible in the section 93 provinces based on the participation of the main parties". (5) "Nothing contained in any of these proposals will affect the relations of the Crown with the Indian States through the Viceroy as Crown Representative". (6) "None of the changes suggested will in any way prejudice or pre-judge the essential form of the future permanent constitution or constitutions for India".

These proposals were explained by Lord Wavell in his broadcast from Delhi on the 14th June, 1945, and he soon issued invitations to twenty-two persons for a conference at Simla on 25th June.¹ After a temporary adjournment the Simla Conference met again on 14th July, but despite earnest deliberations it ultimately failed, for no

¹Orders were issued by the Government for the immediate release of the members of the Working Committee of the Congress who were still in confinement.

agreement could be reached as to the interim Government Lord Wavell's selections for the composition of the Central Executive Council were not accepted by Mr Jinnah

After another visit to London for discussions with the British Government Lord Wavell on returning to India promulgated an important announcement on 19th September 1945. Expressing the hope that ministerial responsibility will be accepted by political leaders in all Provinces" on the elections to the Central and Provincial Legislatures to be held during the cold season of 1945-46 he announced the intention of His Majesty's Government to convene as soon as possible a constitution making body for which he had been authorised to hold preparatory discussions with elected representatives of British India and with Indian States immediately after the elections. He further stated that His Majesty's Government are proceeding to the consideration of the content of the treaty which will require to be concluded between Great Britain and India and that as soon as the results of the elections are published to take steps to bring into being an Executive Council which will have the support of the main Indian parties

CHAPTER III

THE CABINET MISSION

Certain factors expedited the solution of the Indian constitutional deadlock. Britain had before her the grave complicated legacies of the war, and the urge for national independence had become irresistible in India. The Labour Government which took office in England on 5th August, 1945, with Mr. Attlee as Prime Minister, realized the urgency of the problem¹ and took quick steps for its solution. A parliamentary delegation, which came to India during the winter of 1945-46 with the object of gathering firsthand information of the critical political situation, on their return to London impressed upon their Government the necessity of early action. An official announcement on Indian policy was made in Parliament on 19th February, 1946, to the effect that the British Government had decided to send to India a mission of three Cabinet Members who, in association with Lord Wavell, would confer with leaders of Indian opinion on the future constitution of the country, following the lines the Viceroy had already laid down as to the eventual transference of power to Indian hands. The Mission would consist of Lord Pethick-Lawrence, Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade, and Mr. A. V. Alexander, First Lord of the Admiralty. It was to carry Cabinet authority and would be given certain specific instructions. It was not to "override the Viceroy" but "would be associated with him". In a speech delivered on 15th March, Mr. Attlee pointedly observed that in India they could not "allow a minority to place a veto on the advance of the majority", and added that India "will find

¹ "The temperature of 1946 is not the temperature of 1929 or of 1930 or even of 1942.... I am quite certain that at the present time the tide of nationalism is running very fast in India and, indeed, all over Asia." *Speech of Mr. Attlee on 15th March, 1946.*

great advantages in remaining within the British Commonwealth but that if she elected to go outside it Britain would help to make the transition as smooth and early as possible

The Cabinet Mission reached Karachi by air on 23rd March 1946. After discussions with the Viceroy and the Provincial Governors and prolonged negotiations and interviews with leaders of all parties and groups the Mission sat at Simla in tripartite conference with the Congress and the Muslim League delegates from 5th May but by 12th May it was clear that the Conference had failed to agree about the machinery of constitution making and the formation of an interim Government. The Mission and the Viceroy thereupon issued a statement on 16th May promising immediate arrangements whereby Indians may decide the future constitution of India and an interim Government may be set up at once to carry on the administration of British India until such time as a new constitution can be brought into being. The Mission stated that there was an almost universal desire outside the supporters of the Muslim League for the unity of India and that considering the geographical and strategical implications and the numerical strength of the Muslims and the other communities in the respective areas neither a larger nor a smaller sovereign state of Pakistan would provide an acceptable solution for the communal problem. They made the following recommendations for the basic form of the future constitutions —

(1) There should be a Union of India embracing both British India and the States which should deal with the following subjects: Foreign affairs, Defence and Communications and should have the powers necessary to raise the finances required for the above subjects.

(2) The Union should have an Executive and a Legislature constituted from British Indian and States represen-

tatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

(3) All subjects other than the Union subjects, and all residuary powers, should vest in the Provinces.

(4) The States should retain all subjects and powers other than those ceded to the Union.

(5) Provinces should be free to form Groups¹ with executives and legislatures, and each Group would determine the Provincial subjects to be taken in common.

(6) The constitution of the Union and of the Groups should contain a provision whereby any Province could, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after an initial period of ten years and at 10 yearly intervals thereafter.

For the convening of a body to frame the new constitution, the Mission recommended a scheme which would "(a) allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage; (b) divide this provincial allocation of seats between the main communities (General, Muslim and Sikh, as the Mission noted) in each Province in proportion to their population; (c) provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly".

¹ Group A—The six Hindu-majority Provinces of Madras, Bombay, C.P., U.P., Bihar, Orissa

Group B—The Muslim-majority provinces in the North-west—the Punjab, the N.W.F.P., Sind.

Group C—Bengal and Assam.

Of the Chief Commissioner's Provinces three—Delhi, Ajmere-Merwara and Coorg—would join Group A and Baluchistan would join Group B.

Each part (General, Muslim, Sikh) of the Legislative Assembly in each Province was to elect its own representatives by the method of proportional representation with single transferable vote. The constitution making body composed of representatives from the different units would be divided into three sections corresponding to the three groups, A, B, C. Each Section would settle the constitutions for the Provinces included in it and would also decide 'whether any Group Constitution shall be set up for these Provinces and if so with what provincial subjects the Group should deal. The three Sections and the representatives of the Indian States were to meet for the purpose of settling the Union Constitution.

To settle the representation of the States a negotiating committee was recommended for the preliminary stage and the selection of their representatives was to be 'determined by consultation. The constitution making body was to conclude a treaty with England to provide for certain matters arising out of the transfer of power.

No section of the Indian population considered the Cabinet Mission plan satisfactory, but the Muslim League Council accepted it inasmuch as the basis and the foundation of Pakistan are inherent in the Mission's plan by virtue of the compulsory grouping of the six Muslim provinces in sections B and C. The Congress Working Committee came to the decision on 26th June to join the proposed Constituent Assembly, with a view to framing the constitution of a free united and democratic India. The Congress accepted the long term plan but demurred to the short term interim arrangement. The Sikhs, on getting some assurances from the Secretary of State and particularly from the Congress Working Committee, agreed to work the plan.

For the administration of India during the period of constitution making the Mission emphasised the immediate need of an interim government backed by the major political parties. As an 'expedient to solve the present diffi-

culty" the Viceroy announced on 16th June that invitations had been issued to some Indian leaders "to obtain the best available (interim) coalition Government" comprising five members of the Congress, five Muslim League nominees and four others representing various interests. Another significant note in this announcement was that "in the event of the two major parties or either of them proving unwilling to join in the setting up of a coalition Government on the above lines, it is the intention of the Viceroy to proceed with the formation of an interim Government which will be as representative as possible of those willing to accept the statement of May 16". Mr. Jinnah vehemently objected to certain features of this announcement and particularly reprehended the inclusion in the Congress panel of any Muslim who was not a Leaguer. The Congress rejected Lord Wavell's offer on the ground that there were grave limitations in it which would prejudice its position as a national body. The Congress view was that "the Provisional Government must have power and authority and responsibility and should function in fact, if not in law, as a *de facto* independent Government leading to the full independence to come. The members of such a Government can only hold themselves responsible to the people and not to any external authority". All negotiations for a provisional government were adjourned for the time being. The Cabinet Mission left India on 29th June and the Viceroy formed a care-taker Government of nine officials.

CHAPTER IV

THE CONSTITUENT ASSEMBLY AND THE FINAL PHASE

The elections to the Constituent Assembly held in July, 1946 resulted in the return of an overwhelming majority of Congress members which Mr Jinnah characterised as a brute majority. The changed situation led the Muslim League to take a new decision on the Cabinet Mission's plan. Alleging that the British Government had committed a breach of faith by changing the original formula for the formation of an interim Government and that Congress acceptance of the Cabinet Mission's plan was conditional with reservations and interpretations of their own, the Council of the Muslim League passed resolutions on 29th July reversing their decision of June 6 to accept the long term plan of the Cabinet Mission and to participate in the proposed constitution making, asking all Muslim title holders to renounce their titles and expressing their determination to launch direct action as and when necessary to achieve Pakistan. These tactics aggravated communal tension which on 16th August manifested itself in what has been fittingly described in the Statesman newspaper as the Great Calcutta Killing.

The Viceroy had been busy bringing into existence a provisional Government. As disclosed in his announcement of 16th June, he had invited Pandit Nehru, now President of the Congress, on 12th August to make proposals for the immediate formation of an interim Government. The latter accepted this invitation in his capacity of President of the Congress and made a fruitless attempt to secure Mr Jinnah's co-operation in forming as representative a government as possible. On 24th June the Viceroy announced the resignation of the Caretaker Government and the formation of an interim Government.

The new interim Government of 12 members,¹ with Pandit Nehru as its Vice-President, took office on 2nd September, 1946. Pandit Nehru still declared that the "path of co-operation" was open and that the Congress would "go to the Constituent Assembly with the fixed determination of finding a common basis for agreement on all controversial issues". But no agreement was possible. The Muslim League even hinted that it might invoke Soviet help to obtain Pakistan. Communal frenzy was still at fever pitch and in many places its excesses were marked by most lamentable outrages which spared neither age nor sex. The people of a characteristically tolerant land seemed to be losing all restraint and moderation.

The Viceroy made another very subtle experiment in regard to the interim Government. After he had had a talk with Mr. Jinnah, five League nominees entered into the interim Government on the 26th October, one of them being, strangely enough, Mr. J. N. Mandal, a scheduled caste Minister of Bengal. This was rather anomalous in view of the non-acceptance of the 16th May proposals by the Muslim League, their refusal to join the Constituent Assembly and Lord Wavell's announcement of June 16. Lord Wavell described the entry of the League representatives into the interim Government as a "great step forward". But the new Government was lacking in a spirit of co-operation and the League attitude tended to make it "bi-partisan rather than a real coalition". Pandit Nehru complained that the League members were in alliance with the British Government and were making an attempt to establish themselves as "the King's Party" and the Viceroy, he said, was not maintaining "the spirit in which the Government

¹ Caste Hindu—5 Congress
Muslims—1 Congress and 2 Nationalist Muslims.
Scheduled Caste Hindu—1 Congress.
Sikh—1 Akali Party.
Indian Christian—1 not being a member of any party.
Parsi—1 not being a member of any party.

was formed". There is no doubt that the political situation in India was then extremely critical.

Towards the end of November the British Government invited Lord Wavell to proceed to London accompanied by two representatives of the Indian National Congress, two of the Muslim League and one of the Sikh Community, for discussions, for the purpose, as Lord Pethick-Lawrence stated, of reaching "a common understanding between the two major parties on the basis of which the work of the Assembly can proceed with the co-operation of all parties". The Viceroy with four Indian leaders—Pandit Nehru as the sole representative of the Congress, Sardar Baldev Singh as representative of the Sikhs, and Mr. Jinnah and Mr. Liaquat Ali as representatives of the League, reached London on the 3rd December, 1946. Four days of discussion proved entirely fruitless. No agreement was reached. Pandit Nehru and Sardar Baldev Singh returned to India on the 8th December. The League representatives came back later.

On the failure of the London talks, the British Government issued a statement on the 6th December, alleging that the Cabinet Mission had "throughout maintained the view that decisions of the Sections should, in the absence of an agreement to the contrary, be taken by a simple majority vote of the representatives in the Sections. This view has been accepted by the Muslim League, but the Congress have put forward a different view. They have asserted that the true meaning of the statement read as a whole is that the Provinces have the right to decide both as to Grouping and as to their own constitutions. His Majesty's Government have had legal advice which confirms that the Statement of May 16 means what the Cabinet Mission have always stated was their intention". It was further added in this statement that "there has never been any prospect of success for the Constituent Assembly except upon the basis of the agreed procedure. Should

the constitution come to be framed by a Constituent Assembly in which a large section of the Indian population has not been represented, His Majesty's Government would not, of course, contemplate—as the Congress have stated they would not contemplate—forcing such a constitution upon any unwilling parts of the country". In the opinion of the Working Committee of the Indian National Congress the British Government's interpretation of the method of voting in the Sections was "not in conformity with provincial autonomy" which was one of the "fundamental issues" in the proposal of May 16. The All-India Congress Committee in a session held at New Delhi on January 5-6, 1947, passed the following significant resolutions: "The A.I.C.C. is anxious that the Constituent Assembly should proceed with the work of framing a constitution for free India with goodwill of all parties concerned and, with a view to removing the difficulties that have arisen owing to varying interpretations, agree to advise action in accordance with the interpretation of the British Government in regard to the procedure to be followed in the Sections. It must be clearly understood, however, that this must not involve any compulsion of a province and that the rights of the Sikhs in the Punjab should not be jeopardised. In the event of any attempt at such compulsion, a province or a part of a province has the right to take such action as may be deemed necessary in order to give effect to the wishes of the people concerned".

The first session of the Indian Constituent Assembly had met at New Delhi on 9th December, 1946, the elected Muslim League members being absent, though representatives of all provinces and communities participated in its work. After some debates on procedure, Pandit Nehru moved a resolution on 13th December declaring the intention to "proclaim India an independent sovereign republic". The proceedings of the Constituent Assembly were adjourned till the third week of January, 1947, when

it passed Pandit Nehru's resolution on the declaration of objectives and appointed some committees. An Advisory Committee on Minorities and Fundamental Rights was selected; but the Muslim League's attitude towards the Assembly left no hope of co operation. The door was kept open for its members, but the League's Working Committee in its Resolution passed on the 31st January, 1947, emphatically expressed the opinion "that the elections to, and thereafter the summoning of, the Constituent Assembly, in spite of strong protests and most emphatic objections on the part of the League, were *ab initio* void, invalid and illegal as not only the major parties had not accepted the statement but even the Sikhs and the Scheduled castes had also not done so and that the continuation of the Constituent Assembly and its proceedings and decisions are *ultra vires*, invalid and illegal and it should be forthwith dissolved."

This further entangled the complexity of the Indian constitutional problem. But at this period of extreme anomaly and uncertainty the British Government made a momentous statement on 20th February, 1947, expressing therein their definite intention "to take necessary steps to effect the transference of power to responsible Indian hands by a date not later than June, 1948". It added that in case an agreed constitution was not framed by a "fully representative Constituent Assembly" before June, 1948, the British Government "will have to consider to whom the powers of the Central Government in British India should be handed over, on the due date, whether as a whole to some form of Central Government for British India, or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian people". It is also said that "although the final transfer of authority may not take place until June, 1948, preparatory measures must be put in hand in advance".

The "wartime appointment" of Lord Wavell as Viceroy and Governor-General of India terminated and Lord Mountbatten succeeded him on 14th March, 1947. Gifted with uncommon intelligence and exceptional statesmanship the new Viceroy took quick steps to accelerate India's march to a new status. His plan of 3rd June, 1947, outlined the procedure to be followed for the transference of power into Indian hands under the prevailing circumstances, particularly in the face of the continued non-participation in the Constituent Assembly of the Muslim League members, (whose quota included a majority of representatives from Bengal, the Punjab and Sind as also the representative of British Baluchistan), though majority of the representatives of this Assembly had already made progress in the work of evolving a new constitution. While it was not the intention of the British Government to interrupt the work of the existing Constituent Assembly, this plan pointed out that Government's conviction was that "any constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it". Accordingly it provided that the Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will meet in two parts, one representing the Muslim-majority districts and the other the rest of the Province.¹ Members of the two parts of each Legislative Assembly sitting separately would have the power to vote on the question of partition, and if a simple majority of either part decided for partition, the Province would be divided. If partition was decided upon, each part of the Legislative Assembly would decide on behalf of the areas it represented, as to whether the constitution was to be framed in the existing Constituent Assembly or in a new and separate Constituent Assembly. The Legislative Assembly of Sind (excluding the European members) would decide this

¹ Muslim majority districts were noted in an appendix according to 1941 census figures.

issue at a special meeting. The position of the North West Frontier Province was considered to be "exceptional". Though two of its three representatives were already participating in the Constituent Assembly the British Government felt that "in view of its geographical position and other considerations", it would be necessary to ask it "to reconsider its position" and the issue would be decided by a referendum of the local people on the basis of the existing franchise, held under the "aegis of the Governor-General and in consultation with the Provincial Government". "In view of its geographical situation", British Baluchistan was also to be asked to "reconsider its position". Sylhet too was to decide by a similar referendum whether it would remain in Assam or would amalgamate with "the new province of Eastern Bengal, if that Province agrees". Lastly, it announced in this plan that in accordance with the repeatedly emphasised desire of the major political parties in India for the earliest transfer of power, the British Government were willing to "anticipate the date of June, 1948, for the handing over of power" and so proposed to introduce legislation during the current session of the British Parliament "for the transfer of power" that year "on a Dominion status basis to one or two successor authorities according to the decisions taken as a result of this announcement." The Indian Constituent Assemblies were to be free "to decide in due course whether or not the part of India in respect of which they have authority will remain within the British Commonwealth".

The plan of June 3, 1947, was not undoubtedly free from limitations. It definitely prescribed India's partition. It was indeed tragic that the unity of India which had been the cherished ideal of her poets, philosophers and statesmen age after age, and which renaissance Indian nationalism of modern times had so justly emphasised, was shattered by the irresistible force of circumstances. It was a heavy price which India had to pay for her internal divisions.

Practical considerations, however, induced almost all Indian statesmen to consider the plan acceptable. "It is with no joy in my heart that I commend these proposals to you" observed Pandit Nehru, "though I have no doubt in my mind it is the right course. The proposal to allow certain parts to secede if they so will is painful for any of us to contemplate. Nevertheless I am convinced that our present decision is the right one even from the larger viewpoint. The united India we have laboured for was not one of compulsion and of coercion but a free and willing association of a free people". To the Muslim League as a whole it meant the concession of its demand for Pakistan.

The Legislative Assemblies in Bengal and the Punjab decided for the partition of those Provinces. Punjab and East Bengal joined Pakistan and East Punjab and West Bengal were included within the Indian Union. The boundaries of these Provinces were fixed by two Boundary Commissions, one set up for Bengal and the other for the Punjab under the common chairmanship of Sir Cyril Radcliffe. In Sylhet the referendum resulted in a verdict for joining with the new province of Eastern Bengal. Sind and Baluchistan decided to join Pakistan. In the North West Frontier Province the Congress party decided not to contest the referendum on the issue of Pakistan *versus* Hindustan, but demanded an independent Pathanistan. The verdict of the referendum was in favour of Pakistan.

According to paragraph 20 of the statement of 3rd June, 1947, the Indian Independence Bill was introduced into the British Parliament and passed quickly in July, 1947. The Indian Independence Act, as it came to be called, did not, as Mr. Attlee explained, "lay down a new constitution for India providing for every detail". It was "far more", he said, "in the nature of an enabling bill, a bill to enable the representatives of India and Pakistan to draft their own constitutions". This Act provided that "from August 15, 1947, two independent Dominions shall be set up in India.

to be known respectively as India and Pakistan". The territories of the two "new Dominions" were defined. The partition of Bengal and the Punjab and the amalgamation of Sylhet with the new Province of East Bengal were formally recognized and it was distinctly stated that the boundaries of the new Provinces would be fixed according to the awards of the respective Boundary Commissions. For each of the two Dominions there was to be a Governor-General appointed by His Majesty the King to "represent His Majesty for the purposes of the Government of the Dominion". Each of the Dominion Legislatures was to "have full power to make laws for that Dominion, including laws having extra-territorial operation". "No law and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of this or any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion". From the "appointed day" (15th August, 1947) His Majesty's Government in the United Kingdom was to "have no responsibility as respects the government of any of the territories which immediately before that day were included in British India". The Constituent Assembly of each Dominion was to perform the functions of framing a constitution and passing laws. Unless otherwise provided for by an Act of the Constituent Assembly of the Dominion, "each of the new Dominions and all Provinces and other parts thereof" were to be governed by the provisions of the Government of India Act, 1935, with such modifications and adaptations in it as may be necessary during the transition period. The limitations on the powers of the Legislatures as provided by the Act of 1935, and the special

powers and responsibilities which it gave to the Governor-General and the Provincial Governors, were to cease after the "appointed day". The Instruments of Instruction issued by His Majesty to the Governor-General and the Governors of Provinces were to lapse. The provisions of the Independence Act were to be brought into operation by the orders of the Governor-General. He was to make arrangement for a division between the two new Dominions and between the new Provinces to be constituted under this Act in regard to their powers, rights, property, duties, liabilities and various other matters. He was also to arrange for "the continued carrying on for the time being on behalf of the new Dominions, or on behalf of any two or more of the said new Provinces, of services and activities previously carried on on behalf of British India as a whole or on behalf of the former Provinces which these new Provinces represent". He was to regulate such matters as railways and other communications, the Reserve Bank, monetary and financial systems and defence. The Governor-General was to have no authority to pass any order under this Act after the 31st March, 1948, and such earlier date as might be fixed by any law of the Legislature of either of the two Dominions.

The importance of the Indian Independence Act as a piece of constructive legislation marking the fulfilment of India's legitimate demand for self-Government can hardly be overestimated. It undoubtedly reflects great credit on the political sagacity of the British nation and on the moderation and wisdom of Indian statesmanship that such a wonderful transformation in India's political destiny was effected by mutual consent. This was also to a large extent due to the moral influence of Mahatma Gandhi "father of the Indian Nation". "It fills one with a feeling of gladness", observed Mr. Ernest Bevin, "to live in this generation and see the fate of 400 million people handled by discussion, by reason, by agreement and not by gun".

The 15th August will for ever remain a memorable day in the history of India. On this date British rule in India came to an end and the two Dominions known as India and Pakistan were established. Lord Mountbatten remained as Governor-General of India¹ and Mr. Jinnah became the first Governor-General of Pakistan.

¹ The Governor-General was no longer to be called the Viceroy.

CHAPTER V

THE PROBLEM OF THE INDIAN STATES

The position of the Indian States in the new India of to-day naturally presented a very complicated problem. Negotiations for the accession of the States to the Federation, as contemplated in the Government of India Act 1935, were suspended in September, 1939, and the plan of Federation ultimately lapsed, for various reasons. After congratulating the Indian Princes on their brilliant services during the War, at the annual session of the Chamber of Princes, held at New Delhi on 17th and 18th January, 1946, the Viceroy observed: " . . . this leads me to a subject to which I know well you all attach the greatest importance—that of your relationship with the Crown and the rights guaranteed by your treaties and engagements. I can assure you that there is no intention on our part to initiate any change in the relationship or these rights without your consent. I am confident that your Highnesses will through your accredited representatives take your full share in the preliminary discussions, which were announced in my broadcast of the 19th Sept., as well as in the intended constitution-making body; and that your consent to any changes which emerge as a result of these negotiations will not unreasonably be withheld.¹ This assurance was repeated by Lord Wavell in his letter to the Chancellor of the Chamber of Princes, dated the 12th May, 1946.

The Cabinet Mission observed in paragraph 14 of their statement of 16th May, 1946: "It is quite clear that with the attainment of independence by British India, whether inside or outside the Commonwealth, the relationship which has hitherto existed between the Rulers of the States and

¹ *The Indian Annual Register*, 1946, Vol. I, p. 345.

the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government. At the same time * * the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiations during the building up of the new constitutional structure, and it by no means follows that it will be identical for all the States. The Cabinet Mission recommended in this statement that (1) There should be a Union of India, embracing both British India and the States which should deal with the following subjects—Foreign Affairs, Defence, and Communications and it should have the powers necessary to raise the finances required for the above subjects' (2) The States will retain all subjects and powers other than those ceded to the Union. (3) the States should be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculations adopted for British India, exceed 93 but the method of selection will have to be determined by consultation. The States would in the preliminary state be represented by a Negotiating Committee. (4) 'The representatives of the Sections and the Indian States shall reassemble for the purpose of setting the Union Constitution.

The position was explained further by the Cabinet Mission in the following observations it made on a Memorandum on States, Treaties and Paramountcy presented by the Mission to the Chancellor of the Chamber of Princes on 22nd May 1946. When a new fully self governing or independent Government or Governments come into being His Majesty's Government will cease to exercise the powers of Paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will

return to the States. Political arrangements between the States on the one side and the British Crown and the British India on the other hand will thus be brought to an end. The void will have to be filled either by the States entering into a federal relationship with the successor Government or Governments in British India, or failing this, entering into particular political arrangements with it or them".

It should be noted that the Indian National Congress had consistently demanded responsible Government in the States and the states subjects had been gradually permeated with a new political consciousness. The Congress emphasised the rights of the people in the States. Addressing the General Council of the All India States' People's Conference at New Delhi on 8th June, 1946, Pandit Nehru affirmed that "the only ultimate rights we recognise are the rights of the people". The people in the States had also begun to assert their rights and privileges. On 10th June, the General Council of the All-India States People's Conference passed a resolution expressing their "surprise and regret" that the Cabinet Mission had ignored the representatives of the States people and held that no constitution "can be satisfactorily made, without reference to the representatives of the people". This Conference claimed that "any Constitution-making body should have as its members from the States representatives of the people elected on the widest possible franchise"¹ The Rulers of the States, however, accepted the Cabinet Mission's plan and set up the proposed Negotiating Committee. The views of the Rulers were classified in a lengthy resolution passed by the Standing Committee of the Chamber of Princes on 29th January, 1947. They urged the following points: (1) "The entry of the States into the Union shall be on no other basis than that of negotiation and the final decision will rest with each State which can only be taken after consideration

¹ *The Indian Annual Register*, 1946, Vol. I, p 215.

of the complete picture of the constitution". (2) "All the rights surrendered by the States to the Paramount power will return to the States. The proposed Union of India will, therefore, exercise only such functions in relation to the States in regard to Union subjects as are *assigned or delegated* by them to the Union. Every State shall *continue* to retain its sovereignty and all rights and powers *except* those that have been expressly delegated by it. There can be no question of any powers being vested or inherent or implied in the Union in respect of the States unless specifically agreed to by them". (3) "The Constitution of each State, its territorial integrity and the succession of its reigning dynasty in accordance with the law, custom and usage of the State shall not be interfered with by the Union or any part thereon "

reduced from 93 to 90 seats. The majority of these seats have been filled.

His Majesty's Government did not change their policy towards the Indian States as contained in the Cabinet Mission Memorandum after the announcement of India's partition in the Statement of 3rd June, 1947. The Indian Independence Act provided that "the suzerainty of His Majesty over the Indian States lapses." But in the changed situation resulting from the declaration of India's partition, some of the bigger States like Travancore and Hyderabad asserted that they would not accept the original plan to which they had given their consent on the basis of a United India. On this plea they began to declare independence one after another and to talk of a treaty with the new Dominions as between one sovereign state and another. Mr. Jinnah supported their stand, but the Congress and other sections of opinion strongly opposed such views. In a meeting of 15th June, 1947, the All India Congress Committee observed that they "cannot admit the right of any State in India to declare its independence and to live in isolation from the rest of India". "Such a declaration", remarked Mahatma Gandhi, "was tantamount to a declaration of war against the free millions of India". Pandit Nehru emphatically declared "that any recognition of any such independence by any Foreign power, whichever it may be and whatever it may be, will be considered an unfriendly act". In a statement of 17th June, 1947, Dr. Ambedkar pointed out some flaws in the Cabinet Mission's statement about the lapse of Paramountcy with reference to certain aspects of British constitutional law and international law. He held that the States "will be sovereign States to the extent they are but they cannot be independent States so long as they remain under the suzerainty, as they must be, either of the Crown if India remains a Dominion, or of the successor state if India becomes independent". "It is in

the interest of the Princes themselves that they should join the Indian Union and become constitutional monarchs

While taking charges of the Indian States Department, which had been created by the Government of India on 5th July, 1947, to deal with matters arising between the Central Government and the Indian States, Sardar Patel made an appeal to the States to consent to the basic principle that for Defence, Foreign Affairs and Communications, they would come into the Indian Union', because the common interests of the country were involved in them and the 'alternative to co operation in the general interest was anarchy, and chaos' Meeting the Rulers and their Ministers in a special conference at Delhi on the 25th July, 1947, His Excellency Lord Mountbatten then Crown representative, suggested to them in his highly persuasive manner a scheme of accession by which they would continue to enjoy considerable internal autonomy and would be at the same time relieved of worries and cares regarding the subjects noted above This was followed by the accession of a large number of States but not of Hyderabad, Kashmir and Junagadh, to the Indian Union under an Instrument of Accession which referred to the transitional period and according to which the Dominion Parliament could legislate for the acceding States only in matters of Defence, External Affairs, Communications and other ancillary subjects Indeed, geography, problems of defence and security and various other important considerations made India's "organic unification imperative" ¹ Sir Reginald Coupland significantly observed An India deprived of the States would have lost all coherence For they form a great cruciform barrier separating all four quarters of the country If no more than the Central Indian States and Hyderabad and Mysore were excluded from the Union, the United Provinces would be almost completely cut off from Bombay, and Bombay completely from Sind The strategic

¹ Government of India White Paper on Hyderabad, p 1

and economic implications are obvious enough. The practicability of Pakistan must be admitted, but the more the separation of the States from British India is considered, the more impracticable it seems. India could live if its Moslem limbs in the North-West and North-East were amputated, but could it live without its heart?¹

After August, 1947, the Government of the Indian Dominion have followed a very cautious policy towards the States and their achievements in department have been successful and impressive. Two processes have worked in the regulation of the relations between the two. One is the merger of the smaller States into the neighbouring provincial administrations and the other is the integration of a number of States into "sizeable administrative Units". The merger of the Orissa and Chattisgarh States into the provinces of Orissa and C. P. respectively, and that of the Deccan States (except Kolahpur) into the Bombay Administration are example of the first process. The administration of the Orissa and Chattisgarh States (numbering thirty-nine and covering an area of about 56,000 square miles with a revenue of two crores and a population of 7 millions), was made over to the Governments of Orissa and the Central Provinces on 1st January, 1948. The administration of the State of Makrai in Central India was integrated with that of the Central Provinces with effect from 1st February, 1948. The twenty-five States merging with Orissa included Seraikala and Kharsawan. Subsequently on administrative grounds the Government of India took back their administration from Orissa and made it over to the Government of Bihar on 18th May, 1948. All the Deccan States, with the exception of Kolahpur, have been merged with the Bombay Presidency from 19th February, 1948, onwards. These are seventeen in number covering an area of 7,651 square miles with a population of about 17 lakhs and a

¹Quoted *Ibid*. To a student of history the amputation of Moslem limbs seems to be an artificial step.

revenue of about one crore and forty two lakhs. The administration of the Gujrat States estates taluks and thanas numbering one hundred and fifty seven, and having a total area of nearly 19 300 square miles with a population of about 27 lakhs and a total revenue of one crore and sixty five lakhs of rupees signed merger agreements on 19th March 1948 and their administration was taken over by the Bombay Government on 10th June 1948. The Dangs and some estates formerly included in Vatrak Kantha Thana of the old Baroda Western and Gujrat States Agency was made part of the Bombay Province under the Governor General's order dated 19th January 1948. Some other small states have also merged in the neighbouring provinces (e.g. Banganapelle and Padukottai in the Madras Province and three small states in the East Punjab). Twenty one East Punjab Hill States with an area of 10 600 square miles a population of about 9½ lakhs and a revenue of about 85 lakhs were integrated into a centrally administered unit, known as the *Himachal Pradesh*, from the 15th April 1948. The State of Kutch has merged in the Dominion of India and has become a centrally administered unit under a Chief Commissioner from 1st June 1948.

The integration of groups of States into sizeable and viable units has been a very interesting feature of the history of the State to-day. The first fruit of the process of consolidation was the United States of Kathiawar (Saurashtra) which came into being on 15th February, 1948. It extends over an area of 31 885 square miles with a population of about 35 22 000 and a revenue of 8 crores. The State of Junagadh which could not be previously integrated in the United States of Saurashtra for some reasons and was for some time administered by the Central Government has now expressed its willingness along with some neighbouring States to join Saurashtra.

More or less on the model of the United States of Kathiawar unions of States have been formed in other parts

of India. The United States of Matsya, comprising the States of Alwar, Bharatpur, Dholpur and Karauli, came into being on 18th March, 1948. It has an area of 7536 square miles with a population of 1837,994 and a revenue of Rs. 1,83,06,221. The United States of Vindhya Pradesh, consisting of thirty-five Bundelkhand and Bagelkhand States and extending over an area of 24,610 square miles with a population of 35,69,455 and an annual revenue of 2½ crores, was formally inaugurated on 4th April, 1948. The United States of Rajasthan, as originally inaugurated on 25th March, 1948, consisted of the smaller Rajput States in the south-east, namely Banswara including Khusalgarh, Bundi, Dungarpur, Jhalawar, Kishengarh, Kotah, Partabgarh, Shahpura and Tonk. It was subsequently joined by the Ruler of Udaipur, who became the Raj Pramukh of the reconstituted Union which was inaugurated as such by Pandit Nehru on 18th April, 1948. The United States of Gwalior, Indore and Malwa or the *Madhya Bharat* Union also was inaugurated by Pandit Nehru on 28th May, 1948. It covers an area of 46,273 square miles with a population of over 71 lakhs and a revenue of nearly eight crores. The Patiala and East Punjab States Union, covering an area of 10,119 square miles with a population of 34,24,060 and a revenue of about five crores, came into existence on 15th July, 1948.

After the formation of these Unions, it was thought necessary to modify the original Instruments of Accession according to which the individual States acceded to the Indian Dominion with regard to three matters only, Defence, External Affairs and Communications. It has now been decided that the Raj Pramukhs of all the Unions should execute new Instruments of Accession in accordance with section 6 of the Government of India Act 1935, with a view to ensuring "constitutional uniformity between the various Unions and Provinces composing the Indian Dominion in so far as the Central Legislative Authority is

concerned except in respect of the taxing powers of the Centre"

There are still some small and some major States which have not been affected by the processes noted above. With regard to such major States the Government of India's policy was stated as follows in the Dominion Parliament on 15th March 1948. The States which have individual representation on the Constituent Assembly have been assured by the Government of India from time to time that they will be treated as separate viable units. In regard to them, the Government of India's policy is clear and unequivocal. There is no desire on our part, in any way, to compel or coerce them into merger or integration. If they wish to remain as separate autonomous units, we would have no objection, but if the Rulers and the people of any of these States desire to merge with the neighbouring Provinces or form a union with the neighbouring States on a voluntary basis, obviously the Government of India cannot say 'No'. It is clear, however, that in these States which remain separate units, there would be continuous popular pressure for the grant of full responsible government. I hope the Rulers of the States will appreciate the necessity of retaining the affection and goodwill of their subjects by timely concessions rather than futile resistance to popular demands.

Our policy in regard to them remains their continued autonomous existence unless both the Rulers and the people desire otherwise.

Two hundred and nineteen States having an area of 84,774 square miles with a population of 120.18 lakhs and a revenue of Rs 54,184 lakhs have been merged with provinces. Twenty-two States have been consolidated in the two centrally administered units covering an area of 19,061 square miles with a population of 14.37 lakhs and a revenue of about 165 lakhs. The States integrated to form new viable units extend over an area of 150,400 square miles and

have a population of 237.64 lakhs with a revenue of Rs. 2,819.45 lakhs.

Along with this change in the old pattern there has occurred a reorientation in the outlook and policies of the Rulers of the States in relation to their people. Almost all of them have accelerated political reforms in their Governments and have introduced measures for economic improvement. "No one realizes more than I do", observed the Maharajah of Bikaner on 12th December, 1947, "that the States can become honourable and effective members of the Indian Union only if they show their readiness to democratize their institutions and administrations". The White Paper on Indian States significantly notes that "a bloodless revolution has been brought about on the one hand, by the operation of democratic forces unleashed by freedom and on the other by the patriotic attitude of the Rulers who have been quick to appreciate the change".

CHAPTER VI

HYDERABAD AND KASHMIR

Even before August 15 1947 the future relations of the States of Hyderabad and Kashmir with the Indian Union and with Pakistan excited much interested and sometimes ominous conjecture. After that date events took such a turn that we must treat of each of these two States separately and in some detail. In the endeavour to settle the questions of Hyderabad and Kashmir much has been said and done to distress humane susceptibilities and patriotic sentiment. At the same time not a little has been achieved to inspire the happiest auguries for the future. This book aims at being objective and factual. Its scope is to record in plain terms those events and dates which stand out as the historic landmarks of India's march to freedom and unity. These pages will not dwell upon the extremes of public opinion, the impassioned comment and wordy controversies which raged within and without the borders of India and which while amply illustrating how all classes were moved by these issues are nevertheless not infallible interpreters of the motives and measures of the main protagonists.

We shall discuss Hyderabad first. Its prominent position chiefly arises from its being the largest of the princely States. The complexity of its relationship with India is due to its comprising a mainly Hindu population owing allegiance to an hereditary Muslim dynasty. Under these circumstances the Muslim minority wielded exceptional influence and constituted the preponderating element in the ruling classes.

As early as June 1947 the Nizam decided not to participate in the Constituent Assembly and did not conceal his reluctance to adhere to the Indian Union. In this decision he was vociferously supported (and no doubt influenced) by the *Majlis Ittehad ul Muslimin*—a markedly communal body under the leadership of Kasim Razvi—and by the

Razakars, a quasi-military organization of extreme views. The Prime Minister of Hyderabad, Sir Mirza Ismail, did his best to pursue a more accommodating policy, but his brief tenure of office came to an end when under the pressure of the Majlis and the Razakars the Nizam was induced to ask for his resignation. Next, a Delegation, comprising the Nawab of Chhatari (Sir Mirza's successor), Sir Walter Monckton (Constitutional Adviser to the Nizam), Sir Sultan Ahmed and Nawab Ali Yavar Jung, carried on negotiations from July onwards with the Indian Government on the Nizam's behalf. A draft agreement was about to be signed, when the Majlis intervened. The Nizam dissolved the Delegation and appointed another including Nawab Moin Nawaz Jung and Mr. Abdur Rahim. On 1st November, 1947, the Nawab of Chhatari resigned. The next Ministry was led by Mr. Laik Ali and was dominated by the Majlis. On 29th November this Ministry concluded the famous Standstill Agreement, operative for one year, under which the *status quo ante* August 15, 1947, was to be maintained. In reply to criticism of this agreement Sardar Patel declared that it was done "advisedly and deliberately in order to avoid wider complications and repercussions of an adverse nature" in an "atmosphere of distrust and suspicion between the two big communities¹", and expressed the hope that a respite of one year would forge closer relations and pave the way for a permanent accession. These hopes were immediately belied by events.

The party opposing accession, now dominant in the Nizam's counsels, desired a period of quiescence during which the relations of the two Dominions could be observed, *and a field of manoeuvre prepared for the display of* further independence. Syed Kasim Razvi declared that the Standstill Agreement in no way infringed Hyderabad's independent status, and that Paramountcy "was buried once

¹ Sardar Patel's speech in a Press Conference at Bombay on 17th January, 1948.

for all" In the Indian view, however, "an independent state landlocked within the heart of another, is an unheard of proposition"¹ and was utterly precluded, in Hyderabad's case, by considerations of defence, internal security, and economy

This divergence was fundamental, and was gravely exacerbated by the aggressive tactics of the Razakars Parties of Razakars constantly trespassed into Indian border territory, raising fears of fresh communal outbreaks, for they did not hesitate to appeal to the communal feelings of the Muslim citizens of India Measures taken by the Indian Government to counteract these incursions were denounced in Hyderabad and in the press of Pakistan, whose Government issued a Press note in the following terms "Hyderabad was an independent sovereign State and it was for its duly constituted authority to accede to India or remain an independent Dominion India should not resort to methods of force and violence to compel Hyderabad to accede to India for it was contrary to a high sense of morality and justice and fairplay in dealing with a sovereign independent neighbouring State Mr Churchill's freely expressed comments, sympathetic to the Nizam, did nothing to allay the fever, though they were answered in papers like *The New Statesman and Nation*, September 18, 1948²

Negotiations continued from January, 1948, but came to nothing The Indian Government urged the Nizam in vain to accede to the Union, and to introduce responsible

¹ India Government's White Paper on Hyderabad

² Mr Churchill and his friends make great play with the proposition that this great State (by which they mean His Exalted Highness the Nizam) is free to remain independent or to accede to either Dominion as it pleases They add that because the British Government stated this at the time of the transfer of power we are now bound to guarantee the exercise of this choice If we had given such a guarantee—which we did not—it could not have been fulfilled and, if we had attempted to force this view on the Indian Government, we should have been guilty of an unwarranted interference in the affairs of a sister Dominion.—*The New Statesman and Nation* September 18, 1948

Government. The violence of the Razakars, the ban placed on the State Congress and the Nizam's foreign contacts were all disturbing to India's statesmen. A Draft Agreement, promulgated in June 1948, was never acted upon, as neither side agreed on its interpretation. Lord Mountbatten's private and personal appeal to the Nizam to apply the Draft Agreement had no effect. On the question of a plebiscite to ascertain the wishes of the Nizam's subjects (a proposal strongly urged by the Indian Government), the Nizam, after some hesitation, declared his acceptance, but only under conditions which in the Indian Government's opinion allowed "a small militant group" to "control the destinies of the people" and to terrorise them into submission.

The Government of India stood firm to its two fundamental demands,—the accession of Hyderabad to the Indian Union, and the democratization of the administration. On the failure of the Draft Agreement, the Nizam set about strengthening his armed forces, while the Indian Government imposed an economic blockade on munitions of war. The Nizam had already made an appeal to the United Nations, the validity of which was vigorously impugned by India, on the ground that the dispute was entirely domestic.

Events overtook the tardy deliberations of the United Nations, which never reached a decision on the points at issue. The Government of India, distressed by the turmoil within Hyderabad and impressed with the evidence of the responsibility of the Razakars for numerous outrages which were a growing menace to the internal peace of India, called upon the Nizam to disband this militant organization, and, in the interests of law and order, to re-admit Indian troops into Secunderabad, a station they had earlier evacuated in good faith under the Standstill Agreement.

The Nizam rejected this demand. Thereupon, after plain and precise notice duly given, Indian troops crossed the

border on 13th September, 1948. The Razakars' mood of defiance and challenge was rapidly quelled by armed conflict. The Nizam's regular forces hardly even checked the progress of these decisive operations and surrendered on 18th September, 1948 to Maj. Gen. Chaudhury, Commander of the First Armoured Division of the Indian Army, who was promptly installed as Military Governor of Hyderabad State. The Laik Ali Ministry resigned on 17th September. The Nizam took over and heartily accepting the situation released the President of the State Congress and the other imprisoned leaders. Cabled to the Security Council that he had withdrawn the case laid before them and repudiated the delegation that was even now prosecuting this matter before the United Nations. On 23rd September the Nizam broadcast to his people, in words worth quoting. Denouncing the terror rule of the Razakars and the Laik Ali Ministry, he said— This group, (with Kasim Razvi at its head), had, methods reminiscent of Hitlerite Germany taken possession of the State and spread terror among all elements of society Muslim and non Muslim who refused to bend their knees to them, committing arson and loot on a large scale particularly on Hindus and had rendered me completely helpless. He concluded, with reference to that Ministry's ambition to make Hyderabad an Islamic power, 'in the very nature of things Hyderabad, 86% of whose population are Hindus cannot possibly become an Islamic State.

With the Nizam's active encouragement, the Military Government strengthened with the experienced administrators from India, proceeded to bring affairs back to normal. In a week the Razakars were rounded up, and Syed Kasim Razvi was arrested. But the Communists who too had played a disturbing part throughout continued for a time to be a menace to law and order.

A conference sat for two days towards the end of October, 1948, under the Chairmanship of Sardar Patel in Bombay.

It resolved on the entire purification of the Hyderabad administration, and the speediest restoration of normal conditions. At the time of writing these objectives are being steadily pursued. As for the future, the Government of India have not countenanced proposals to partition the State on a racial basis among the neighbouring provinces. What the position of the Nizam will be is not yet determined. It seems likely, however, that a plebiscite will be held on the question of accession, and there is little doubt of an affirmative verdict. Meanwhile, the appeasement of animosities and the relaxation of tension have been welcomed with widespread feelings of relief in India among Muslims no less than the other communities. The present mood is one of quiet optimism.

The State of Kashmir and Jammu, usually known simply as Kishmir, was the scene of acute tension between the Dominions almost from the date of their birth. In its population and Government it provides the converse of Hyderabad, inasmuch as the head of the State is a Hindu Prince ruling over a population, numbering more than four millions, of whom 77% are Muslims. In its northern situation it is bordered on the north-east by Tibet, on the north by Chinese Turkestan; on the north-west by the Soviet Republic of Turkestan, and by Afghanistan. On the west it meets Pakistan; and on the south, both Pakistan and India.

Geographical contiguity, facility of communications and the large Muslim majority seemed to mark out this State, in the eyes of Pakistan at least, as a natural member of that Dominion. Both India and Pakistan could claim interests in Kashmir and the leaders of both countries affirmed their desire to consult the wishes of the Kashmiri people. It is a thousand pities that this issue was not negotiated in an atmosphere of calm with due recognition of the rights and inclinations of the State subjects. Most disastrously, at a time when the passions aroused by the awful sequence to

the partition of the Punjab were still unabated, hordes of undisciplined tribesmen from the North-West Frontier swept unimpeded through Pakistan territory and surged up the Jhelum Valley. Alarmed at their rapid progress, the Maharajah of Kashmir first invoked the assistance of the Indian Dominion, and then, on 26th October, 1947, formally acceded to the Union. The Government of India provisionally recognized this accession and its responsibilities, but stipulated that the future status of Kashmir must finally be decided by a plebiscite expressing the free choice of the Kashmiri people. Meanwhile, their declared aim was to clear Kashmir of lawless invaders as a preliminary to such a referendum.

Indian troops were flown into Kashmir on 27th October, and Srinagar, the capital of Kashmir, was saved. Hard fighting ensued in most difficult country. On 31st October, Sheikh Muhammad Abdullah, the leader of the All-Jammu and Kashmir National Conference headed an interim Emergency Administration, set up in concert with the Maharajah and the Indian Government as a first step to liberalise the constitution and conduct the defence of Kashmir. On 5th March, 1948, the Maharajah announced the formation of an Interim Government, of which Sheikh Abdullah became the first popular minister. In an historic declaration the Maharajah avowed his intention, as soon as conditions allowed, of framing a democratic constitution based on adult suffrage. Pakistan reacted to the armed intervention of India by strong expressions of sympathy with the self styled Azad Kashmir Government, a somewhat shadowy authority purporting to rally the forces in Kashmir opposed to Indian intervention and the doings of the Maharajah's Interim Government. Without avowing active participation in the struggle (at this stage) the Pakistan Government placed no apparent ban on volunteers, and members of the Pakistan army were found fighting in

the ranks of the raiders. The strain on the relations of the two Dominions was severe. On 31st December, 1947, the Indian Government invited the United Nations "to call upon the Pakistan Government to put an end immediately to the giving of such assistance which is an act of aggression against India". Without pronouncing on the merits, the United Nations despatched a Commission which reached India in July, 1948. On 13th August this Commission urged a proposal to "Cease Fire", that they might "obtain the agreement of the Government of Pakistan and the Government of India to elect a prompt cessation of hostilities and the correction of conditions the continuation of which is likely to endanger international peace and security". Pandit Nehru accepted the invitation "in the interests of peace and international order", as he put it. The Pakistan Government attached conditions to its acceptance which in effect amounted to a refusal. The Commission wrote to the Pakistan Government expressing its "great regret" at this response to its request for a "Cease Fire".

By this time, the Pakistan Government had admitted that the Pakistan Army was holding a line within Kashmiri territory. The two Dominions were now in open conflict. In November, 1948, Mr. Mohammad Zafrullah Khan, Pakistan's Foreign Minister, wrote to the Security Council that the Indian Army had begun "an all-out offensive to obtain possession of Western Kashmir" and that "the situation is therefore fraught with possibilities of the wide extension of armed conflict". The struggle dragged on, and the worst might have been prognosticated from such ominous apprehensions. Most happily, however, negotiation was proceeding as well as combat. One minute before midnight of 1st January, 1949, by mutual agreement between the two Dominions, the cease-fire sounded in Kashmir.

¹Letter from the Chairman of the Commission to the Minister of Foreign Affairs and Commonwealth Relations, Pakistan, in answer to his letter of 6th December, 1948.

The New Year thus began with the best of omens. At the time of writing one may legitimately hope that the discords are now played out, and that friendship will spread its harmonies over two neighbour countries between whom, if goodwill is not denied its part, amity would almost seem predestined.

APPENDIX

TABLES SHOWING THE NEW SET-UP OF THE INDIAN STATES

I

Cabinet Mission Recommendations . . .	16th & 22nd May, 1946.
Pt. Nehru's address at the All-India States' Peoples Conference, New Delhi:—"The only ultimate rights we recognize are the rights of the people") . . .	8th June, 1946.
H.M.G.'s announcement (No change from Cabinet Mission Plan as regards the States)	3rd June, 1947.
Hon'ble Sardar Patel takes over charge of the newly created States Department of the Government of India, and makes a significant statement regarding the States . . .	5th July, 1947.
Special meeting of H.E. Lord Mountbatten with the Chamber of Princes to consider the formula of Standstill Agreements . . .	25th July, 1947.
Signing of Instruments of Accession and Standstill Agreements by all States except Hyderabad, Junagadh and Kashmir . . .	
Provisional Accession of Kashmir to the Indian Union	26th Oct., 1947.
Indian troops flown to Kashmir . . .	27th Oct., 1947.
Sheikh Abdullah becomes head of the Emergency Administration in Kashmir . . .	31st Oct., 1947.
Standstill Agreement with Hyderabad . . .	29th Nov., 1947.
Hon. State Minister's Statement of Policy . . .	16th Dec., 1947.
Indian reference to U.N.O. on Kashmir Issue . . .	31st Dec., 1947.
Formation of Interim Government in Kashmir with Abdullah as head	5th March, 1948.
U. N. O. Kashmir Commission reach India . . .	10th July, 1948
Kashmir Commission's Cease-Fire Proposal . . .	13th Aug., 1948.
Indian troops march into Hyderabad . . .	13th Sept., 1948.
Surrender of Nizam's troops	18th Sept., 1948.
Nizam's broadcast	23rd Sept., 1948.
Cease-Fire in Kashmir	1st Jan., 1949.

(II)

A *Merger of States into adjacent provinces*

<i>Province</i>	<i>No of States merged</i>	<i>Area in sq miles</i>	<i>Population in lakhs</i>	<i>Revenue in lakhs</i>	<i>Date of merging</i>
Orissa ¹	23	23 637	40 46	98 74	1st Jan, 1948
C.P. & Berar ²	15	31,749	28 34	88 31	Do
Bihar	2	623	2 08	6 45	18th May, 1948
Madras	2	1,444	4 83	30 81	Feb Mar, 1948
East Punjab	3	370	80	10 38	
Bombay ³	174	26 951	43 67	307 15	(a) Deccan States 19th Feb 1948 (b) Gujarat States 10th June 1948 (c) The Dangs and certain other States 19th Jan 1948
Total	219	84 774	120 18	541 84	

¹ Mayurbhanj merged with Orissa on January 1 1949² Makrar merged with C P & Berar on 1st February 1948³ Baroda and Kolhapur ready to merge with the province of Bombay on May 1 and March 1 1949 respectivelyB *Centrally Administered States*

Himachal Pradesh	21	10 600	9 36	84 56	15th April 1948
Kutch	1	8 461	5 01	80 00	1st June 1948
Total	22	19 061	14 37	164 56	

C *Integration into sizeable and viable units*

<i>Unions</i>	<i>No of States merged</i>	<i>Area in sq miles</i>	<i>Population in lakhs</i>	<i>Revenue in lakhs</i>	<i>Date of integration</i>
Saurashtra ⁴	217	31 885	35 22	800 00	15th Feb, 1948
Matsya	4	7 536	18 38	183 06	18th Mar., 1948
Vindhya Pradesh	35	24 610	35 69	243 30	4th April 1948
Rajasthan	10	29 977	42 61	316 67	25th Mar, 1948 and 18th April 1948
Madhya Bharat	20	46 273	71 50	776 42	28th May, 1948
Patiala & E P States Union	8	10 119	34 24	500 00	15th July, 1948
Total	294	150 400	237 64	2819 45	

Junagadh and adjoining States ready to join Saurashtra Union (Dec 31, 1948)

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